

ORIGINAL

Decision No. 69629

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of ASBURY SYSTEM, a corporation,)
for authority to deviate from the)
rates, rules and regulations of)
various minimum rate orders,)
tariffs on shipments of unusual)
size or characteristics.)

Application No. 47784
(Filed July 30, 1965)

OPINION AND ORDER

Applicant holds radial highway common carrier, highway contract carrier and city carrier permits. By Decision No. 67562 dated July 21, 1964, in Application No. 46656, it was authorized to depart from the units of measurement provisions of Minimum Rate Tariff No. 2 (statewide general commodities), Minimum Rate Tariff No. 5 (Los Angeles drayage) and Minimum Rate Tariff No. 9-A and Classification No. 1 (San Diego drayage) with respect to the following traffic:¹

1. Commodities, the transportation of which, because of size or weight, require the use of special equipment, and commodities not of unusual size or weight when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment.

¹ Minimum Rate Tariff No. 9-A was canceled and superseded by Minimum Rate Tariff No. 9-B, effective October 3, 1964, by Decision No. 67766 in Case No. 5439. Concurrently, Classification No. 1 was canceled. This application will be considered as seeking relief from the provisions of Minimum Rate Tariffs Nos. 2, 5 and 9-B.

2. Pipe and tubing, and pipe and tubing fittings and supplies and materials required for the installation of pipe or tubing when the transportation of such pipe or tubing fittings and supplies and materials required for installation of pipe or tubing is incidental to the transportation of pipe or tubing.

3. The entire contents of a plant or warehouse from an old location to a new location which involves the transportation of some articles which because of their size or weight require the use of special equipment, together with all other items involved in the same move which are not of such character.

Applicant states that its oversight and inadvertence resulted in the late filing of this application seeking renewal of the current authority which expired with August 10, 1965. By this application, applicant seeks reinstatement of the expired authority without change for one additional year.

Applicant states that all of the facts and circumstances which existed at the time of filing its original application seeking this authority, as recited in Decision No. 67562, supra, still exist and to the best of its knowledge will continue to exist in the foreseeable future. Accordingly, applicant requests that the pertinent provisions set forth in its original Application No. 46656, supra, and the findings of fact contained in Decision No. 67562, supra, be incorporated herein by reference.

Applicant alleges that granting of the authority sought herein is necessary in order to enable it to remain competitive with Progressive Transportation Company, Dealers Transit, Inc., and Bigge Drayage Co., all of which have been granted authority identical to that sought herein and compete with applicant for the traffic involved.

Applicant further alleges that, pursuant to its present authority, it has assessed and, under the sought renewal thereof, will continue to assess charges no less than the applicable minimum rates and accessorial charges established by the Commission. Applicant declares that it has and will continue to keep such records as will show that the minimum rates for this transportation have been protected in all instances.

Revenue and expense data submitted by applicant indicate that the transportation involved has been profitable and reasonably may be expected to be profitable during the ensuing year.

The certificate of service shows that a copy of the application was mailed to California Trucking Association on July 29, 1965. The application was listed on the Commission's Daily Calendar of August 3, 1965. No objection to the granting of this application has been received.

In the circumstances, it appears, and the Commission finds, that the proposed deviation is reasonable and consistent with the public interest. A public hearing is not necessary. The Commission concludes that the application should be granted. Inasmuch as the authority granted by Decision No. 67562, supra, has expired, the order which follows will be made effective on the date hereof.

IT IS ORDERED that:

1. Asbury System, a corporation, is hereby authorized as a highway permit carrier and as a city carrier to quote or assess rates or accessorial charges based upon a unit of measurement different from that in which the minimum rates and charges are

stated in Minimum Rate Tariff No. 2, Minimum Rate Tariff No. 5 and Minimum Rate Tariff No. 9-B with respect to the following transportation services:

(a) Commodities, the transportation of which, because of size or weight, require the use of special equipment, and commodities not of unusual size or weight when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment.

(b) Pipe and tubing, and pipe and tubing fittings and supplies and materials required for the installation of pipe or tubing when the transportation of such pipe or tubing fittings and supplies and materials required for installation of pipe or tubing is incidental to the transportation of pipe or tubing.

(c) The entire contents of a plant or warehouse from an old location to a new location which involves the transportation of some articles which because of their size or weight require the use of special equipment, together with all other items involved in the same move which are not of such character.

2. The freight charges assessed under the authority granted in Ordering Paragraph 1 hereof shall not be less than those which would have been assessed, had the rates and accessorial charges stated in the applicable minimum rate tariff been applied.

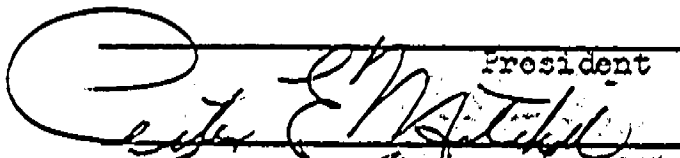
3. Asbury System shall retain and preserve copies of its freight bills, subject to the Commission's inspection, for a period of not less than three years from the dates of issuance thereof;


and each such copy of its freight bills shall have attached thereto a statement of the charges which would have been assessed if the minimum rates had been applied and the full information necessary for accurate determination of the charges under the minimum rates.

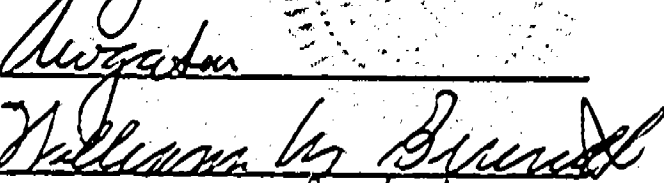
4. The authority herein granted shall expire one year after the effective date of this order, unless sooner canceled, modified or extended by further order of the Commission.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 31st day of August, 1965.



President


George L. Grover


William W. Swann
Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.